

## Message Text

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ACTION L-02

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CIAE-00 DODE-00 PM-03 H-01 INR-07 NSAE-00 NSC-05

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C O N F I D E N T I A L VIENNA 1412

E.O. 11652: GDS

TAGS: PORG, AORG, PFOR, UN, AU

SUBJECT: UN CONFERENCE ON THE REPRESENTATION OF STATE IN THEIR  
RELATIONS WITH INTERNATIONAL ORGANIZATIONS (RSIO)--PNG PROVISION

SUMMARY. WEO EFFORT TO INTRODUCE CONCEPT OF PNG INTO ILC TEXT  
WAS NARROWLY DEFEATED IN SERIES OF VOTES FEB. 17. BLOC VOTING BY  
SOVIETS AND EE PLUS LATIN AMERICANS PROVED TO BE TOO MUCH TO  
OVERCOME. CLOSEST OF ALL VOTES WAS 27-32-10. ONCE CONSIDERATION  
OF ARTICLE 75 (RESPECT FOR LAWS AND REGULATIONS OF HOST STATE)  
COMES UP WE WILL HAVE ANOTHER OPPORTUNITY TO RAISE ISSUE.  
END SUMMARY.

1. IN TWO MEETINGS ON FEB. 17 CONFERENCE COMMITTEE CONCENTRATED  
ON UK/CANADIAN AND US AMENDMENTS WHICH ATTEMPTED TO ESTABLISH  
PRINCIPLE OF HOST STATE RIGHT TO DETERMINE UNACCEPTABILITY OF  
MISSION MEMBERS. ISSUE WAS RAISED UNDER ART. 9 (APPOINTMENT OF  
MEMBERS OF MISSION) AND BOTH AMENDMENTS INCLUDED NOTION THAT  
PERSON COULD BE DECLARED PERSONALLY UNACCEPTABLE (LATTER WORDS  
WERE FRENCH SUB-AMENDMENT) BEFORE ARRIVING IN TERRITORY OF  
HOST STATE. UK/CANADIAN AMENDMENT WAS BROADER IN SCOPE IN THAT  
IT SPECIFIED THAT HOST STATE, AFTER CONSULTATIONS WITH SENDING  
STATE AND ORGANIZATION, COULD NOTIFY SENDING STATE AND OR-  
GANIZATION THAT MISSION MEMBER IS PERSONALLY UNACCEPTABLE AND  
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HE SHALL BE RECALLED. US AMENDMENT ON OTHER HAND SPECIFIED

THAT ABUSE OF PRIVILEGES IN ACTIVITIES PERFORMED OUTSIDE OFFICIAL CAPACITY WOULD HAVE TO BE INVOLVED BEFORE ABOVE MEASURES WOULD BE TAKEN.

2. THIRTY-FOUR SPEAKERS WERE HEARD FOR AND AGAINST AMENDMENTS. WEO GROUP OFFERED STRONG SUPPORT FOR AMENDMENTS WITH EXCEPTIONS BEING SPANISH DEL WHO HAS PERSISTENTLY AND VIGOROUSLY FOUGHT VIRTUALLY ALL WESTERN POSITIONS AND TURKISH DEL WHO TENDS TO ADHERE TO ILC TEXT. ASAINS AND MOST AFRICANS WERE ALSO FAVORABLY DISPOSED TO AMENDMENTS (EXCEPTIONS BEING INDIA, PAKISTAN, AND TANZANIA). ARAB STATES WERE SOMEWHAT SPLIT WITH EGYPT, IRAQ, SYRIA, LIBYA, IN OPPOSITION AND LEBANON, TUNISIA AND MOROCCO ABSTAINING. MOST DESTRUCTIVE OPPOSITION TO WESTERN POSITION WAS THAT TAKEN BY LATIN AMERICANS WHO VOTED AS BLOC AGAINST US. SEVERAL DELS (URUGUAY, GUTATEMALA, EL SALVADOR) WHO HAVE NOT BEEN ATTENDING CONFERENCE CAME INTO HALL JUST FOR VOTE. SOVIET BLOC WAS OF COURSE IN OPPOSITION.

3. SECRETARIAT INTERVENTIONS WERE ALSO NOT HELPFUL. IAEA OBSERVER (CAMCIGIL) IN PARTICULARLY OUTRAGEOUS STATEMENT CALLED FOR DEFEAT OF BOTH AMENDMENTS AND ARGUED THAT HEADQUARTERS AGREEMENTS WERE SUFFICIENT PROTECTION FOR HOST STATE. UN LEGAL COUNSEL (SUY) ATTEMPTED TO ARGUE THAT PROVISION THAT HOST STATE SHOULD HOLD CONSULTATIONS WITH ORGANIZATION AND SENDING STATE WAS "NOT IN KEEPING WITH PRACTICE." HE CLAIMED THAT IN NEW YORK HOST STATE MERELY "INFORMED" SYG. HE INSISTED THAT IT WAS "DELICATE" FOR ORGANIZATION TO BE PLACED BETWEEN SENDING STATE AND HOST STATE AND THAT THERE WERE OTHER PROCEDURES SUCH AS THOSE CONTAINED IN ARTICLES 81 AND 82 (CONSULTATION AND CONCILIATION). WITH ASSISTANCE OF AMBASSADOR PORTER, US DEL SUCCEEDED IN OBTAINING PARTIAL RETRACTION LATER IN DAY BY IAEA OBSERVER AND WE PLAN AT SOME POINT TO RESPOND TO SUY.

4. WHOLE SERIES OF VOTES WERE TAKEN. FIRST ON FRENCH AMENDMENT WHICH INTRODUCED TERM "PERSONALLY UNACCEPTABLE" WAS APPROVED BY 28(US)-26(LAS, SOVBLOC)-13(TURKEY, SPAIN, YUGOSLAVIA, GREECE). VOTE ON LAST SENTENCE PARA ONE OF  
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UK/CANADIAN AMENDMENT, I.E., UNACCEPTABLE BEFORE ARRIVAL, WAS DEFEATED BY ROLL CALL VOTE OF 27(US)-36(SOVBLOC, LAS, TURKEY, SPAIN)-4. VOTE ON SIMILAR SENTENCE IN US AMENDMENT WAS VIRTUALLY SAME (28-36-3). VOTES ON FIRST PARAS OF TWO AMENDMENTS WITHOUT LAST SENTENCES WERE ALSO SIMILAR -- UK/CANADA DEFEATED BY 25(US)-32-12 AND US AMENDMENT DEFEATED BY 27-32-10. ILC TEXT WAS THEN ADOPTED BY 41-0-28(US).

5. DEBATE WAS IN GENERAL CALM AND REASONED. US STATEMENT WAS ESSENTIALLY DETAILED EXPOSITION OF US POSITION AND APPEAL FOR BALANCE IN TEXT. SWISS AND FRENCH MADE CLEAR THAT WITHOUT PNG PROVISION CONVENTION WOULD BE DEAD LETTER. BRAZILIAN DEL SNIPED BACK THAT THOSE WHO DID NOT RATIFY CONVENTION WOULD NOT BE CONSIDERED FOR HONOR OF SERVING AS HOST STATE. NIGERIAN DEL OFFERED ORAL AMENDMENT WHICH HE AGREED MIGHT MORE APPROPRIATELY BE PLACED UNDER ARTICLE 75. US AND OTHERS HAD URGED CHAIRMAN NETTEL IN PRIVATE TO RULE THAT ONCE CONSIDERATION OF ART. 9 WAS COMPLETED CONSIDERATION OF ART. 75 WOULD BE DEFERRED UNTIL ITS APPROPRIATE TIME. THIS RULING HE MADE WITHOUT BEING CONTESTED BY SOVIETS EVEN THOUGH THEY WERE OBVIOUSLY UNHAPPY WITH IT.

6. COMMENT - WE WILL HAVE ANOTHER OPPORTUNITY TO CONSIDER THIS ISSUE UNDER ART. 75 BUT IT WILL BE ESSENTIAL EITHER TO BREAK LA SOLIDARITY OR TO WORK WITH ARABAS, PAKISTAN AND SOME OTHERS TO OBTAIN IMPORTANT SHIFTS IN POSITION. SPANISH DEL (YTURRIAGA) IN PARTICULAR HAS BEEN THORN IN WEO FLESH BUT HE HAS NOW LEFT CONFERENCE. TURKISH DEL (GUNAY) VOTED AGAINST US ON SEVERAL IMPORTANT ISSUES. WE WILL TRY TO WORK WITH PAKISTAN, NIGERIAN, ARAB DELS AND ATTEMPT TO BREAK LA SOLIDARITY EVEN IF ONLY TO OBTAIN SOME ABSENCES DURING KEY VOTING. HUMES

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